

To the Honorable George M. Bacon,
State Engineer of the State of Utah:-

The petition of the undersigned waterusers upon the public stream known as Muddy Creek and also known as Muddy River in Emery, Sevier and Sanpete Counties, Utah, respectfully shows:-

1. That said Muddy Creek is a natural public stream of the State of Utah, all of the waters of which have been appropriated by persons owning lands adjacent thereto.
2. That the undersigned are citizens of the United States and of the State of Utah, and are waterusers whose source of supply for the irrigation of the lands owned by them is said Muddy Creek.
3. That certain persons and corporations are diverting and using a portion of the waters of said stream without having any right so to do, having made no appropriation of any kind. That other persons and corporations, and particularly the Emery County Canal and Reservoir Company, claiming some rights upon said stream, are diverting and using water far in excess of their said claimed rights, and are diverting large portions of the waters of said stream and wasting the same, by permitting the same to run through their ditches and canals without putting the same to any beneficial use.
4. That your petitioners are the owners by appropriation and use of the right to use ^a large portion of the waters of said stream and have, at great expense, built diversion works, canals and laterals to conduct said waters to and upon the lands of petitioners. That said lands of petitioners are barren and unproductive in their natural state and are incapable of raising crops without irrigation, but that with water applied, the same are productive and capable of raising the crops ordinarily raised in said County.

5. That by reason of the wrongful acts of divers other persons, whose names are unknown to your petitioners, and by reason of the wrongful and unlawful diversion of waters of said stream by said Emery County Canal and Reservoir Company, and its unlawful, wasteful and extravagant use of said waters, your petitioners have been deprived and are now being deprived of the waters to which they are lawfully entitled.

6. That said Emery County Canal and Reservoir Company, disregarding the rights of your petitioners, and in violation of law, have entered upon said stream at a point above the diversion works of your petitioner and have diverted the entire stream through its said canal. That said stream, particularly in the spring time and in times of high water, carries a large amount of sediment and debris, and that said Emery County Canal and Reservoir Company has installed in its said canal at a point approximately half a mile from the intake thereof, certain diversion works, by means of which it diverts back into the channel of said stream and into your petitioner's canal, a small portion of the waters thereof, less than the portion to which petitioners are entitled, and in so diverting said water and by reason of their unlawful use of said waters, have caused and are now causing the natural channel of said stream at about the point of the intake of your petitioners' canal and have caused the section of your petitioner's canal to be filled with said sediment, thus interfering with your petitioners' use of the waters to which they are entitled, and that said Emery County Canal and Reservoir Company, in violation of the rights of your petitioner, has diverted and caused to flow through its said canal, water greatly in excess of any waters to which said company is entitled, which said excess waters have been duly appropriated by and are now the property of your petitioners.

7. That your petitioners diverted their waters through the canals of the Independent Canal and Reservoir Company to and upon their lands, and that they, and other land owners under

under the system of the said Independent Canal and Reservoir Company, are wholly dependent for water for irrigation upon the waters of said stream to which they are entitled. That they have planted large areas to crop under said canal, which, by reason of the wrongful acts of said Emery County Canal and Reservoir Company, are almost wholly without water and if said wrongful acts are permitted to continue, your petitioners will be unable to irrigate their said crops and will suffer great loss and irreparable injury, but if you take control of and supervise the proper distribution and use of the waters of said stream, there is ample water therein to supply the rights of the said Emery County Canal and Reservoir Company and your petitioners and other water users on said stream.

8. That your petitioners believe that water is being wasted by the Emery County Canal and Reservoir Company and other water users from the said Muddy Creek.

9. That by reason of the facts herein stated an emergency exists, and your petitioners are entitled to have a determination of the relative rights of the various claims to the waters of said stream.

WHEREFORE, your petitioners pray:-

1. That you, as State Engineer, proceed to make an investigation as to the use and waste of the water of the said Muddy Creek herein referred to and to make a report of your findings thereon in accordance with the provisions of Section 39, Chapter 67, Session Laws of Utah, 1919.

2. That you, as State Engineer, take such steps as may be necessary and proper under Section 20 of Chapter 67, Session Laws of 1919, to make a determination of said rights; that in the mean time and pending such determination, you appoint a water commissioner for the distribution of the water from said Muddy Creek to the persons entitled thereto.

3. Your petitioners further pray that because of the emergency existing and because of the wrongful and unlawful acts of said Emery County Canal and Reservoir Company, such appointment of a commissioner be made immediately, in order that said wrongful and wasteful use of water may be prevented and that the crops of

of your petitioners may be saved.

L. C. Moore

Arthur Olsen

Arthur Jensen

J. P. Olsen

Delos Olsen

Hugh W. Stevens

Carlyle Crawford

Stanley C. Nelson

R. G. Crawford

H. M. Edwards

J. F. Larsen

L. L. Livingston

Hyrum L. Huntman

Wate S. Killback

Kenneth R. Stevens

Chas. Lowy

Myra L. Hanson

Thomas Fugate

Caroline Nelson

Anna L. Nelson

Chas. L. Huntman

Geo. B. Fusk

Mary A. Fusk

W. L. Black

D. A. Sherr

STATE OF UTAH }
COUNTY OF KANE }

L. C. MOORE, H. M. EDWARDS, DELOS OLSEN, J. P. OLSEN
and Stanley C. Nelson, each being duly sworn, says: that they make
this verification on their own behalf and on behalf of the other
signers of the foregoing petition; that they have read the fore-
going petition, know the contents thereof, and that the same is
true of their own knowledge.

L. C. Moore

J. P. Olsen

Delos Olsen

Stanley C. Nelson

H. M. Edwards

Subscribed and sworn to before me this

21 day of May, 1927.

Josephine V. Moore NOTARY PUBLIC

To the Honorable George M. Bacon,
State Engineer of the State of Utah:-

The petition of the undersigned waterusers upon the public stream known as Muddy Creek and also known as Muddy River in Emery, Sevier and Sanpete Counties, Utah, respectfully shows:-

1. That said Muddy Creek is a natural public stream of the State of Utah, all of the waters of which have been appropriated by persons owning lands adjacent thereto.

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4. That your petitioners are the owners by appropriation and use of the right to use ^a large portion of the waters of said stream and have, at great expense, built diversion works, canals and laterals to conduct said waters to and upon the lands of petitioners. That said lands of petitioners are barren and unproductive in their natural state and are incapable of raising crops without irrigation, but that with water applied, the same are productive and capable of raising the crops ordinarily raised in said County.

County Attorney
R.A. Howard
Dist. Attorney
Fred McCallister
Monticello

5. That by reason of the wrongful acts of divers other persons, whose names are unknown to your petitioners, and by reason of the wrongful and unlawful diversion of waters of said stream by said Emery County Canal and Reservoir Company, and its unlawful, wasteful and extravagant use of said waters, your petitioners have been deprived and are now being deprived of the waters to which they are lawfully entitled.

6. That said Emery County Canal and Reservoir Company, disregarding the rights of your petitioners, and in violation of law, have entered upon said stream at a point above the diversion works of your petitioner and have diverted the entire stream through its said canal. That said stream, particularly in the spring time and in times of high water, carries ^a large amount of sediment and debris, and that said Emery County Canal and Reservoir Company has installed in its said canal at a point approximately half a mile from the intake thereof, certain diversion works, by means of which it diverts back into the channel of said stream and into your petitioner's canal, a small portion of the waters thereof, less than the portion to which petitioners are entitled, and in so diverting said water and by reason of their unlawful use of said waters, have caused and are now causing the natural channel of said stream at about the point of the intake of your petitioners' canal and have caused the section of your petitioner's canal to be filled with said sediment, thus interfering with your petitioners' use of the waters to which they are entitled, and that said Emery County Canal and Reservoir Company, in violation of the rights of your petitioner, has diverted and caused to flow through its said canal, water greatly in excess of any waters to which said company is entitled, which said excess waters have been duly appropriated by and are now the property of your petitioners.

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under the system of the said Independent Canal and Reservoir Company, are wholly dependent for water for irrigation upon the waters of said stream to which they are entitled. That they have planted large areas to crop under said canal, which, by reason of the wrongful acts of said Emery County Canal and Reservoir Company, are almost wholly without water and if said wrongful acts are permitted to continue, your petitioners will be unable to irrigate their said crops and will suffer great loss and irreparable injury, but if you take control of and supervise the proper distribution and use of the waters of said stream, there is ample water therein to supply the rights of the said Emery County Canal and Reservoir Company and your petitioners and other water users on said stream.

8. That your petitioners believe that water is being wasted by the Emery County Canal and Reservoir Company and other water users from the said Muddy Creek.

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3. Your petitioners further pray that because of the emergency existing and because of the wrongful and unlawful acts of said Emery County Canal and Reservoir Company, such appointment of a commissioner be made immediately, in order that said wrongful and wasteful use of water may be prevented and that the crops of

your petitioners may be saved.

Dated this 2nd day of May, 1927.

L.C. Moore

Christian Olsen

Arthur Jensen

J. F. Olsen

Delos Olsen

Hugh W. Jensen

Carlyle Crawford

Stanley C. Nelson

Q. J. Crawford

H. M. Edwards

STATE OF UTAH

COUNTY OF ~~EMERY~~

} SS

Stanley C. L.C. MOORE, H.M. EDWARDS, DELOS OLSEN, J.F. OLSEN
and ~~CHRISTIAN~~ NELSON, each being duly sworn, says: that they make
this verification on their own behalf and on behalf of the other
signers of the foregoing petition; that they have read the fore-
going petition, know the contents thereof, and that the same is
true of their own knowledge.

L.C. Moore

J. F. Olsen

Delos Olsen

Stanley C. Nelson

H. M. Edwards

Subscribed and sworn to before me this

6 day of May, 1927.

Josephine V. Moore NOTARY PUBLIC

